HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.245 of 2007

Between:

John Susheel Kale

... Appellant

And

The Sub-Inspector of Police,
Alwal Police Station, Alwal,
Secunderabad

... Respondent

::JUDGMENT::

Counsel for the appellant : Shri B.P. Raju

March 22, 2007

Per G.S. Singhvi, C.J.

This appeal filed against order dated 2-2-2007 passed by the learned Single Judge in Writ Petition No. 11305 of 2006 can appropriately be termed as a frivolous piece of litigation, which deserves to be dismissed at the threshold.

The appellant filed writ petition for issue of a mandamus to the respondent to file charge sheet in relation to F.I.R No.227, dated 28-5-2006 registered at Police Station, Alwal under Sections 447, 427, 457 and 506 of the Indian Penal Code.

When the case was taken up for admission hearing, the learned counsel for the appellant did not bother to appear. The learned Single Judge took cognisance of the assertion contained in the counter filed on behalf of the respondent that the investigation has been completed

and final report has been filed on 12-6-2006 and dismissed the writ petition.

In our considered view, the learned Single Judge was justified in disposing of the writ petition despite the fact that the counsel had not shown up at the time of hearing. If the counsel does not appear, the Court can either dismiss the matter in default or dispose of on merits. The learned Single Judge had adopted the alternative course and we see no reason to interfere with the order under challenge, more so, because as per the averments contained in the counter filed by the respondent, the final report had been filed on 12-6-2006.

For the reason aforestated, the appeal is dismissed. However, it is made clear that the appellant shall be free to avail appropriate legal remedy against the final report.

As a sequel to dismissal of the appeal, WAMP No. 464 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

March 22, 2007

C.V. NAGARJUNA REDDY, J

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